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99TH CONGRESS
1ST SESSION

S. 1900

To amend the Foreign Agents Registration Act of 1938 by providing for the five-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5 (legislative day, DECEMBER 2), 1985

Mr. ROTH (for himself, Mr. NUNN, and Mr. COHEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To amend the Foreign Agents Registration Act of 1938 by providing for the five-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613) is amended by inserting at the end thereof the following:

"The exemption provided by subsections (d) and (e) to an agent of a foreign principal shall not apply to such agents which represent foreign principals of the following nations:

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Union of Soviet Socialist Republics, German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba, unless the Attorney General, in consultation with the Secretary of State, determines and so reports to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country. In all other cases, the exemption provided by subsections (d) and (e) to an agent of a foreign principal shall be suspended for that agent and such agent's employer, if such employer would otherwise be exempted, for a period of five years from the date of conviction or the date of a plea of nolo contendre by such agent of a foreign principal for an offense under sections 792–799, 831, or 2381 of title 18, United States Code, or the Export Administration Act of 1979 (Public Law 96–72; 50 U.S.C. App. 2401 et seq.).".

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99TH CONGRESS
1ST SESSION

S. 1901

To amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5 (legislative day, DECEMBER 2), 1985

Mr. ROTH (for himself, Mr. NUNN, and Mr. COHEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Foreign Missions Act is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 214. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms, limitations, restrictions, and conditions

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which are applied under this title to the foreign mission in the United States of the Soviet Union unless the Secretary determines and so reports to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country.

"(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report describing—

"(1) not later than thirty days after the date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans.".

(b) Section 202(a)(4) of the Foreign Missions Act is amended—

(1) in the text above clause (A), by inserting ", including Government activities involving international trade," after "governmental activities"; and

(2) in clause (A), by inserting "or any instrumentality thereof" after "foreign government".

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(2) there is presently an overdraft of groundwater in these counties that would be alleviated by providing irrigation, municipal, and industrial water supplies,

(3) a federally constructed project would facilitate optimum conjunctive use and reuse of surface and underground water supplies enhancing the agricultural stability of the San Joaquin Valley, and

(4) fish and wildlife resources and outdoor recreation opportunities would be enhanced by construction of a project.

SEC. 3 AUTHORIZATION.

(a) AUTHORIZATION.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain, the Mid-Valley Unit, as an addition to and an integral part of, the Central Valley Project, California, upon completion of a favorable Planning Report/EIS on the San Joaquin Valley Conveyance Investigation.

(b) PRINCIPAL WORKS.—The principal works of the Mid-Valley Unit shall consist of pumping plants, pumping generator plants, power plants, power transmission facilities, canals, channels, levees, drains, flood control works, pipelines, regulating reservoirs, off-stream and on-stream storage reservoirs, deep wells and pumps, and distribution systems and facilities consistent with the recommendations of relevant planning documents. The Secretary is authorized and directed to utilize, whenever feasible, existing water supplies, conveyance and storage facilities.

(c) PROVISION OF WATER.—The Secretary is authorized to provide water supplies for the irrigation of approximately 4 million acres of land in Merced, Madera, Fresno, Tulare, Kings, and Kern Counties, as identified in the Planning Report/EIS on the San Joaquin Valley Conveyance Investigation.

SEC. 4. FISH AND WILDLIFE ENHANCEMENT AND RECREATION

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Mid-Valley Unit shall be in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 5. WATER DELIVERY AND STORAGE AGREEMENTS.

The Secretary is authorized and directed to—

(1) execute a contract with the State of California for the wheeling, delivery, exchange, and storage of water through the facilities of the State Water Project of California for use in the Mid-Valley Unit; and

(2) execute contracts with the State of California for the construction or enlargement of conveyance and storage facilities for joint use.

SEC. 6. LOCAL COST-SHARING AGREEMENTS.

The Secretary may enter into agreements with the Mid-Valley Water Authority, a California Joint Powers Authority, for the provision of all or any portion of the authorized distribution facilities as the local contribution to the cost of the project.

SEC. 7. STATE AND LOCAL PUBLIC INTEREST.

In locating and designing the works and facilities authorized for construction by this Act, and in acquiring or withdrawing any lands as authorized by this Act, the Secretary shall give due consideration to relevant reports by the State of California, and shall consult with local interests who may be affected by the construction and operation of the works and facilities or by the acquisition or withdrawal of lands, through public hearings or in such manner as in his discretion may be found best suited to a maximum expression of the views of such local interests.

SEC. 8. AUTHORIZATION OF FUNDS.

There is authorized to be appropriated for construction of the Mid-Valley Unit as authorized in this Act, the sum of $, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.●

By Mr. SPECTER:

S. 1899. A bill for the relief of Paula Myrtle Marie Dill; to the Committee on the Judiciary.

RELIEF OF PAULA MYRTLE MARIE DILL

● Mr. SPECTER. Mr. President, today I introduce a private immigration relief bill on behalf of Paula Myrtle Marie Dill.

Paula Dill has lived in this country for 9 years since leaving Bermuda. For her entire life she has lived with Ellison and Myrtle Dill who are natives of Bermuda; since 1977 they have been permanent residents of Philadelphia, PA.

Paula was born on May 29, 1956, to Greta Marie Burchall, the sister of Ellison Dill. Ms. Burchall was unable to raise more children at that time, and consequently was compelled to give up her child to her brother. Ellison and Myrtle had taken Paula into their home when she was just a few days old. Paula was baptized by the Dills and always has lived with them as a family.

Paula lived in Bermuda as the daughter of Ellison and Myrtle Dill until 1975, when the Dills came to the United States. At the same time, Paula entered the country as a nonimmigrant student. Paula has not left the United States since 1976.

When Paula completed her studies, the Dills applied for a second preference visa on her behalf. This visa is available for the unmarried son or daughter of a lawful permanent resident. The visa could not be granted because Paula was not the lawful daughter of the Dills. Paula at that time was over the age of 16, and therefore any attempt to formally adopt her by the Dills would have been ineffective under the immigration laws.

All of Paula's relatives are in the United States, except for her natural mother, whom she has never known. The Dills are not able to commute regularly to Bermuda, and Paula—if she is deported—may never be able to return to the United States.

In *Dill* v. *Immigration and Naturalization Service*, 773 F.2d 25 (3d Cir. 1985), the U.S. Court of Appeals for the Third Circuit rejected the determination by the Immigration and Naturalization Service that Ms. Dill's legal actions to delay deportation had been frivolous. While the court upheld the Service's determination that deportation would not cause undue hardship—the relevant issue at the administrative level—it emphasized that it had to give great deferrence to the Service's judgment and that it might have reached a completely different conclusion on its own. The court stated:

> Had we plenary authority to review the Board's decision, we might press the question whether the Board has not put more weight than is appropriate on petitioner's relatives in Bermuda as a cushion for the hardship she will suffer, given that the only Bermuda relatives identified in the record are petitioner's natural parents with whom it does not appear that she has any continuing connection. *Dill* at 31.

Paula now faces deportation from the United States because of mere happenstance: The unfortunate failure of her adopted parents to obtain a legal adoption. Paula has been an upstanding member of the community with high moral character. Paula has nothing in Bermuda to which to return—her only real family—the people whom she calls her parents and who, for all intents and purposes, are her parents—is in the United States.

Mr. President, this bill would avoid grave injustices and personal suffering. I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Paula Myrtle Marie Dill shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas which are made available to such natives under section 202(e) of such Act.●

By Mr. ROTH (for himself, Mr. NUNN, and Mr. COHEN):

S. 1900. A bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses; to the Committee on Foreign Relations.

S. 1901. A bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes; to the Committee on Foreign Relations.

ACCESS INFORMATION AND FACILITIES OF NATIONAL SECURITY INTEREST BY FOREIGN AGENTS

● Mr. ROTH. Mr. President, I rise to introduce two bills designed to enhance the ability of our Government to control the way foreign nationals gain access to information and facili-

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ties of significance to our national security.

Nineteen hundred and eighty-five has been a banner year for our counter-espionage forces; 11 arrests have been made for espionage in the past 11 months, most of those in the last 4 months. Indeed, we seem to read of almost an arrest a week, so busy have our FBI agents been. Yet successes have not been cause for delight: instead, they have demonstrated very clearly how weak and vulnerable our defenses have been. Many of those accused of espionage have allegedly been divulging our secrets illegally for many years—in some cases, decades—despite what we imagined to be a tight security environment.

Our hopes for an effective security system have not been realized. Recent revelations, as well as hearings conducted by the Permanent Subcommittee on Investigations regarding the espionage threat and our method of clearing individuals for access to secret information, demonstrate the shortcomings of our system. It is wrong not to demand reciprocity in diplomatic numbers; it is wrong to let go unrestricted the movements of certain United Nations Secretariat personnel; and, it is wrong to trust an antiquated bureaucracy with the task of satisfactorily clearing government and contractor employees to handle our most sensitive information.

There are numerous bills pending in the Congress to address these areas of concern, and more will follow. The bills I introduce today will likewise seek to close loopholes in our system that permits hostile agents of foreign powers to access defense secrets.

The Foreign Agents Registration Act requires that person which includes corporations—who act on behalf of a foreign government must notify the Attorney General of such representation and provide to the Attorney General a registration statement that includes a number of important categories of information which give us insight into the operations, purpose, and background of those entities or persons.

Excepted from the requirements of that statute, however, are diplomatic, consular, and official staff of a foreign power as well as "any person engaged in a legal commercial transaction." This latter exemption is troublesome to me. Through testimony before the Permanent Subcommittee on Investigations [PSI] in hearings on technology transfer and foreign-directed espionage, witnesses, which have included the Director of the Federal Bureau of Investigation, Assistant Secretary of Defense, convicted spies and a foreign defector, all emphasized the use by hostile governments of commercial covers for their operatives. The clearest example of this may be the case where an American, William Bell, was turned to spying against his country by Mr. Marian Zacharsky, a Polish intelligence officer working freely in the United States as president of the Polish American Machinery Co., a firm with numerous offices throughout the United States. Despite Mr. Zacharsky's conviction for espionage, the exemption of Polamco under the Foreign Agents Registration Act was not and is not lifted. Likewise, testimony before PSI has clearly demonstrated that commercial fronts are regularly and liberally used by the Soviets and their bloc allies, as well as Cuba, to place intelligence officers and facilitate the collection of our national secrets. One bill I introduce today removes the present exemption from reporting requirements for Soviet, East German, Polish, Hungarian, Czechoslovakian, Bulgarian, Rumanian, and Cuban businesses. For all other countries it requries that the exemption be lifted for a period of 5 years from the date of conviction or plea of nolo contendere for entities used as spy organizations.

The second bill I introduce will amend the Foreign Missions Act to ensure that those provisions regarding restriction on foreign diplomatic travel within the United States applicable to the Soviets apply equally to certain bloc nations, and others, who are proven surrogates in the collection of intelligence. It makes little sense that we restrict the Soviets in their travel privileges yet allow other's who work at their direction free access to our country. It is clear that the Poles, East Germans, Bulgarians, Rumanians, Cubans, and others collect intelligence at the direction of Moscow. In many instances, the data collected goes to the Kremlin even before the collecting country's officials can scrutinize it. We must, therefore, restrict the movements of their diplomats as we do their Kremlin boses.

I ask my colleagues to swiftly join me in passing these bills. They are important tools with which we can combat the surrepetitious gathering of our Nation's most critical secrets by enemies of freedom and democracy. Hostile agents should not be permitted to operate behind the veil of our cherished free enterprise system. To permit them to benefit from our system while actively seeking to undermine it is a notion I find ridiculous.

By Mrs. HAWKINS:

S. 1902. A bill to prohibit leasing in certain areas located in the eastern Gulf of Mexico Outer Continental Shelf; to the Committee on Energy and Natural Resources.

OIL AND GAS LEASING PROHIBITION

● Mrs. HAWKINS. Mr. President, today I am introducing a bill which would prohibit all future oil and gas leasing in environmentally sensitive areas off the coast of Florida. The buffer recently announced simply does not provide enough protection to our Florida beaches. It puts up 36 million acres for auction. This places many very sensitive and delicate areas at risk.

My bill would establish a permanent buffer 20 to 30 miles in width, along Florida's west coast and a 30-mile buffer around the Florida middle grounds. It would prohibit leasing below the 26° N. latitude. This legislation is intended to provide comprehensive, not partial, protection.

Floridians have the right to demand that protection. Our beaches are world famous and attract millions of tourists every year making tourism the State's No. 1 industry. The tropical waters of the keys contain coral reefs unique to our Nation. The wetlands and estuaries which line the west coast form the backbone of the State's commercial fishing industry. In addition, the abundant fish population living in the sea grasses of the Florida middle grounds attract both commercial and sport fishermen.

We cannot risk the tremendous damage which would be incurred by an oilspill. There is no telling what degree of economic and environmental damage we could anticipate. Nothing could replace our valuable natural resources and exotic wildlife should an oilspill wash up on our beaches. Any decline in water quality would essentially wipe out the productivity of the middle grounds.

While the areas below the 26° N. latitude have been under study, those studies are due to be completed next spring. There is no time provision required for analysis of those studies. Hence, drilling could possibly commence in this area once the studies are completed.

I know that the Nation's major oil companies do not share my view. They will point to economic justifications for leasing off Florida's coast. I will point to stronger economic justifications not to lease off Florida's coast. Thousands of individuals in mid- and small-sized companies depend upon a guaranteed tourist and fishing industry well into the future. They cannot fight 20 to 30 big oil companies on their own. They need this legislation. The welfare of Florida's environment and natural resources demands this legislation.●

By Mr. DANFORTH (for himself and Mr. PACKWOOD):

S. 1903. A bill to improve the safe operation of commercial motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1904. A bill to improve the safe operation of commercial motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

MOTOR CARRIER SAFETY LEGISLATION

● Mr. DANFORTH. Mr. President, motor carrier safety is an extremely serious problem in this country. In 1984, more than 37,000 trucks accidents were reported to the U.S. Department of Transportation's [DOT] Bureau of Motor Carrier Safety.

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